

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

Jury Trial Demanded

**NOTICE TO ALLOW DEFENDANTS GOOGLE AND AOL TO SEAL CERTAIN
EXHIBITS TO THE DECLARATION OF EMILY C. O'BRIEN AND PORTIONS OF
THE REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS GOOGLE AND
AOL'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT
OF U.S. PATENT NO. 7,225,151**

PLEASE TAKE NOTICE that Defendants Google Inc. and AOL LLC (collectively, "Defendants"), by counsel, in the referenced matter have petitioned the Court to grant leave to file seal certain exhibits, including Exhibits 2-4 to the Declaration of Emily C. O'Brien (collectively, "Confidential Exhibits") and portions of the Reply Memorandum in Support of Defendants Google and AOL's Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151 ("Portions of the Reply in Support") under seal. The Confidential Exhibits and Portions of the Reply in Support contain information and testimony containing sensitive and valuable proprietary information relating, among other things, to the technical details of how certain Google and AOL systems operate and certain expert contentions in this matter. This information is "Confidential Attorneys' Eyes Only" (Prosecution Bar) or "Confidential Attorneys' Eyes Only" under the Protective Order entered in this matter. Failing to file the Confidential Exhibits and Portions of the Reply in Support under seal may risk the disclosure of

confidential, trade secret information, would violate the Protective Order and potentially would cause competitive harm.

In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, the Court posts the following notice to the public: “This serves as public notice that the Defendants Google Inc. and AOL LLC have moved the Court to seal the seal certain exhibits, including Exhibits 2, 3 and 4 to the Declaration of Emily C. O’Brien; and portions of the Reply Memorandum in Support of Defendants Google and AOL’s Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,225,151. Objections to this Motion should be filed in the Civil Section of the Clerk’s Office. The Notice will be posted for a minimum of forty-eight (48) hours.”

Dated: August 11, 2008

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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